

REMARKS

This Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed April 11, 2005. Claims 1-15 were pending in the Application prior to Examiner withdrawing Claims 1-9 from further consideration. Claims 10-15 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of co-pending U.S. Patent Application No. 10/445,590, as well as under the judicially created doctrine of obviousness-type double patenting.

In response to these rejections, a Terminal Disclaimer and Statement Under 37 C.F.R. 3.73(b) have been prepared and are attached hereto. Based upon the Terminal Disclaimer and Statement Under 37 C.F.R. 3.73(b), reconsideration of the Application is respectfully requested.

Double Patenting Rejection of Claims 10-15:

Claims 10-15 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of co-pending U.S. Patent Application No. 10/445,590, as well as under the judicially created doctrine of obviousness-type double patenting.

In response to these rejections, Applicants submit that both the present Application and U.S. Patent Application No. 10/445,590 are assigned to and owned by GE Medical Systems Global Technology Company, LLC, of Waukesha, WI. Accordingly, per the attached Terminal Disclaimer, GE Medical Systems Global Technology Company, LLC, hereby disclaims the terminal part of the statutory term of any patent granted on the Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any Terminal Disclaimer, of prior U.S. Patent Application No. 10/445,590. GE Medical Systems Global Technology Company, LLC, hereby agrees that any patent so granted on

the Application shall be enforceable only for and during such period that it and the prior patent/patent application are commonly owned.

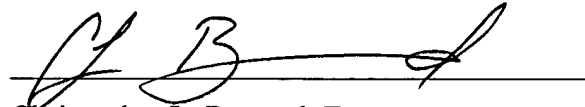
Thus, Applicants submit that the rejections of Claims 10-15 under 35 U.S.C. 101 as claiming the same invention as that of co-pending U.S. Patent Application No. 10/445,590, as well as under the judicially created doctrine of obviousness-type double patenting, have now been successfully traversed and respectfully request that the rejections be withdrawn and Claims 10-15 be allowed.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, mailing address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper, including the Terminal Disclaimer fee. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

Date: May 31, 2005

A handwritten signature in black ink, appearing to read 'C. L. Bernard', is written over a horizontal line.

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